

REPORTER'S RECORD

VOLUME 28 OF 35 VOLUMES

TRIAL COURT CAUSE NO. 1384794

COURT OF CRIMINAL APPEALS NO. AP-77,025

OBEL CRUZ-GARCIA) IN THE DISTRICT COURT
Appellant)
VS.) HARRIS COUNTY, TEXAS
THE STATE OF TEXAS)
Appellee) 337TH JUDICIAL DISTRICT

SENTENCING

On the 22nd day of July, 2013, the following
proceedings came on to be heard in the above-entitled
and numbered cause before the Honorable Renee Magee,
Judge presiding, held in Houston, Harris County, Texas;
Proceedings reported by computer-aided
transcription/stenograph shorthand.

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I N D E X
VOLUME 28
(SENTENCING)

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EXHIBIT INDEX

(No exhibits this volume)

1 (Open court, defendant present, no jury)

2 THE COURT: Back on the record in Cause
3 No. 1384794, the State of Texas vs. Obel Cruz-Garcia.
4 And present at counsel table is Mr. Cruz-Garcia and his
5 lawyers, Mr. Madrid and Mr. Cornelius. Present for the
6 State is Mr. Justin Wood. And we're ready for
7 sentencing.

8 Mr. Obel Cruz-Garcia, please stand.

9 (Defendant complies)

10 **SENTENCING**

11 THE COURT: Mr. Cruz-Garcia, the jury
12 having convicted you of the offense of capital murder,
13 the jury having unanimously answered the first special
14 issue, and that special issue is: Do you find from the
15 evidence beyond a reasonable doubt that there is a
16 probability that the defendant, Obel Cruz-Garcia, would
17 commit criminal acts of violence that would constitute a
18 continuing threat to society, and the answer is "yes;"
19 and the jury having answered the second special issue,
20 which reads: Do you find from the evidence beyond a
21 reasonable doubt that Obel Cruz-Garcia, the defendant
22 himself, actually caused the death of Angelo Garcia,
23 Jr., on the occasion in question, or if he did not
24 actually cause the death of Angelo Garcia, Jr., that he
25 intended to kill Angelo Garcia, Jr., or that he

1 anticipated that a human life would be taken, and the
2 jury unanimously answered that question "yes;" and the
3 jury having answered the Special Issue No. 3, which
4 reads: Do you find from the evidence, taking into
5 consideration all of the evidence, including the
6 circumstances of the offense, the defendant's character
7 and background, and the personal moral culpability
8 defendant, that there is a sufficient mitigating
9 circumstance or circumstances to warrant that a sentence
10 of life imprisonment rather than a death sentence be
11 imposed, and the jury having unanimously answered that
12 question "no," the Court finds that you are now
13 committed to the Texas Department of Criminal Justice
14 and orders that the authorized agent of the State of
15 Texas or the Sheriff of this county to take you safely
16 and deliver you to the Director of the Institutional
17 Division of the Texas Department of Criminal Justice,
18 that you shall be confined in said Institutional
19 Division in accordance with the provisions of the law
20 governing the Texas Department of Criminal Justice
21 Institutional Division until the date of the execution
22 to be imposed by this Court after receipt in this court
23 of a mandate of affirmance from the Court of Criminal
24 Appeals of the State of Texas. You are hereby sentenced
25 to death. And the Court orders that you be remanded to

1 the custody of the Sheriff of this county until the
2 Sheriff can obey the directions of this sentence.

3 Is there anything else from either side?

4 MR. CORNELIUS: Yes. We filled out all the
5 appropriate appellate papers, but he hasn't been sworn.
6 Can he be sworn from the table here?

7 THE COURT: Yes, he may.

8 Raise your right hand, sir.

9 (Defendant sworn)

10 THE CLERK: You are asking the Court to
11 appoint an appellate attorney on your behalf because you
12 are unable to afford an appellate attorney?

13 THE DEFENDANT: Yes.

14 THE CLERK: Thank you.

15 THE COURT: Okay. Anything, Mr. Wood?

16 MR. WOOD: Nothing from the State, Your
17 Honor.

18 THE COURT: I would like to remind the
19 lawyers from both sides to turn in the juror information
20 that I allowed you to keep during the duration of the
21 trial so that the clerk may destroy that. And the
22 originals will remain with the clerk's file, if there is
23 any reference that is made to that.

24 MR. CORNELIUS: Yes, ma'am.

25 THE COURT: Then we're in recess at this

1 time. We're adjourned.

2 (Proceedings recessed)

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REPORTER'S CERTIFICATE

THE STATE OF TEXAS)
COUNTY OF HARRIS)

I, Mary Ann Rodriguez, Official Court Reporter in
and for the 337th District Court of Harris County, State
of Texas, do hereby certify that the above and foregoing
contains a true and correct transcription of all
portions of evidence and other proceedings requested in
writing by counsel for the parties to be included in
this volume of the Reporter's Record, in the
above-styled and numbered cause, all of which occurred
in open court or in chambers and were reported by me.

I further certify that this Reporter's Record of
the proceedings truly and correctly reflects the
exhibits, if any, admitted by the respective parties.

WITNESS MY OFFICIAL HAND this the 16th day of
October, 2013.

/s/ Mary Ann Rodriguez
Mary Ann Rodriguez, Texas CSR 3047
Expiration Date: 12/31/2013
Official Court Reporter
337th Court
1201 Franklin
Houston, Texas 77002
713.755.7746

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